

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 20, 2012**

SUMMARY

A request by Lutheran Senior Services for approval of a variance from Section 24-35 of the City Code and Council Policy Resolution 48-06A relating to the construction of sidewalks along arterial and collector street frontages and unimproved streets. The subject site is the location of the Lenoir Woods Retirement Center which is currently under redevelopment and located southeast of the US 63/New Haven interchange and north of Roosevelt Avenue. (Case # 12-136)

DISCUSSION

Lutheran Senior Services is seeking a variance from Section 24-35 of the City Code and Council Policy Resolution (PR) 48-06A relating to sidewalk construction along the roadway frontages that the Lenoir Woods Retirement Community abuts. Section 24-35 requires sidewalks be installed on all collector and arterials street frontages as a condition of obtaining a certificate of occupancy for new building construction. PR 48-06A specifies provisions for construction of sidewalks along unimproved streets. The subject site is bounded on the north, west, and south by arterial or collector roadways each of which is consider unimproved (i.e. lacking curbs and gutters).

The applicant is building a new continuing care retirement center on the subject property. Based on the intended residents of this redeveloped site, the applicant believes the installation of sidewalks along the roadway frontages bounding this site are not necessary and could compromise the safety of the current as well as future residents. A detailed letter submitted by the applicant is attached expressing the desire for the sidewalk variance.

Section 24-35 list seven criteria by which sidewalk variances along arterial and collector streets are to be evaluated. These criteria are as follows:

(1) Pedestrian traffic generators such as parks and schools in the area

The subject site is located to the south of New Haven Elementary School. Sidewalk construction along New Haven Road and Lenoir Street frontages would provide access to the school from residential development to the south. However, a gap in this sidewalk would be created due to an existing platted lot between the subject site and the intersection of Lenoir Street and New Haven Road, east of the interchange.

The required sidewalk would connect, at least partially, the Sunset Mobile Home Park south of the subject property to the school. Approximately 50 school-aged children reside within this development of which 25 are bussed to the elementary school.

While a sidewalk would provide opportunity for these children to walk to school (the school is within ½ mile) discussion with Columbia Public Schools (CPS) has determined that such activity would likely not be encouraged due to the inability for those children to cross New Haven Road. There is no signalized crossing to access the school and there are no plans by CPS to construct one at this time.

(2) The existence of a sidewalk network in the area

The only sidewalk installed at this time is that located to the northwest of the subject property surrounding the Courtyard Marriott Hotel to the west of Lemone Industrial Boulevard. Additional sidewalk exists to the south of the subject site on the improved portion of Discovery Ridge Parkway.

No sidewalk systems exist on the south side of New Haven Road to the east of the US 63 interchange and no sidewalks exist on any portion of Lenoir Street or Roosevelt Avenue.

(3) The density of current and future development in the area

The primary development pattern surrounding the subject property is industrial to the north, research to the east, residential (zoned CP) to the south, and highway to the west. Additional residential development density is unlikely; however, residents of the Lenoir Subdivision may find sidewalks along Roosevelt Avenue beneficial once the Sunset Mobile Home Park redevelops.

While future residential development may be limited the installation of sidewalks to serve the industrial/research park workers located within this area could prove valuable. Currently these pedestrian movements are limited to the existing roadways creating potential unsafe vehicular/pedestrian interactions.

(4) The amount of pedestrian traffic likely to be generated by the proposed development

The subject site is to be developed with a continuing care retirement community (CCRC) designed for an elderly population with varying degrees of mobility and cognitive functions. The proposed site plan for the CCRC shows an extensive internal sidewalk system designed to allow for internal movement of residents within a safe and controlled environment. The applicant has no intention, as stated in

their attached letter, to encourage the use of a perimeter sidewalk system.

Given this fact that and the fact that the CCRC will not have “families” with children it is staff’s opinion that this development will have limited, if any, impact on the surrounding area’s pedestrian traffic.

(5) The cost of constructing the sidewalk

The cost of constructing the approximate 4250 feet of sidewalks on the three (3) roadway frontages is estimated at \$85,000 excluding site preparation/grading work. This cost compared to the overall development cost of \$9,500,000 is, in staff’s opinion, not significant enough to warrant approval of a variance.

(6) Whether the terrain is such that a sidewalk is physically feasible

The applicant’s engineer indicates that while the site has some topographical issues and a creek crossing such issues do not make the installation of the sidewalks infeasible. Addressing these issues would be required to ensure compliance with the ADA standards and would be added to the base cost of sidewalk construction.

(7) The extent to which trees, ground cover and natural areas would be impacted by the sidewalk

The proposed sidewalk would not disturb any existing vegetation of significance and would have to cross a single creek.

In addition to the above seven criteria, Council Policy Resolution 48-06A provides additional evaluation criteria for the waiver of sidewalk construction on “unimproved” city streets. These criteria are as follows:

(1) The cost of construction the sidewalk relative to the cost of the proposed development.

As noted above, the cost of sidewalk installation less grading/site preparation is \$85,000. The total project cost is \$9,500,000. Cost of installation compared to overall development cost, in staff’s opinion, does not warrant granting the variance.

(2) Whether the terrain is such that sidewalks or walkways are physically feasible.

As noted above, site grading and installation of a bridge crossing will be required to make the proposed sidewalks ADA acceptable. This condition, with the exception of

the bridge crossing, are not uncommon for sidewalk installation along other roadways. Minimal natural landscaping will be disturbed if the sidewalks are installed.

(3) Whether the sidewalk would be located in developed areas, on a low traffic volume local street without sidewalks

The subject site is located along arterial and collector roadways and is surrounded predominately by industrial and research-based land uses. Residential development is to the south and northeast of the site. Sidewalk access from the south would provide for pedestrian and vehicle separation; however, such separation would become disconnected at the corner of Lenoir Street and New Haven Road due to an existing platted lot not included within the subject site.

This area would be classified as “developing” based on the fact that Sunset Mobile Home Park is zoned C-P and the Discovery Ridge Research Park is not fully built out. Sidewalk installation in advance of such build-out could prove valuable; however, anticipated reconstruction of the adjoining roadway frontages may require future reconstruction of such facilities if installed in advance of the road reconstruction activities.

(4) Current or future parks, schools, or other pedestrian generators near the development for which a sidewalk or walkway would provide access

There are no additional public improvements slated for construction within the adjacent vicinity. Existing development surrounding the site has the potential of employing more persons thereby possibly creating demand for a functional sidewalk network. However, based on the current limited nature of commercial or retail options for these persons it is likely that most trips will be made via automobile.

Section 4 of the Policy Resolution further provides direction that if the Council agrees there is a need for the installation of a sidewalk to protect the public safety and welfare that a variance can only be granted if 1) an alternative sidewalk is proposed and constructed, or 2) the property owner pays the City for the future construction of the sidewalk.

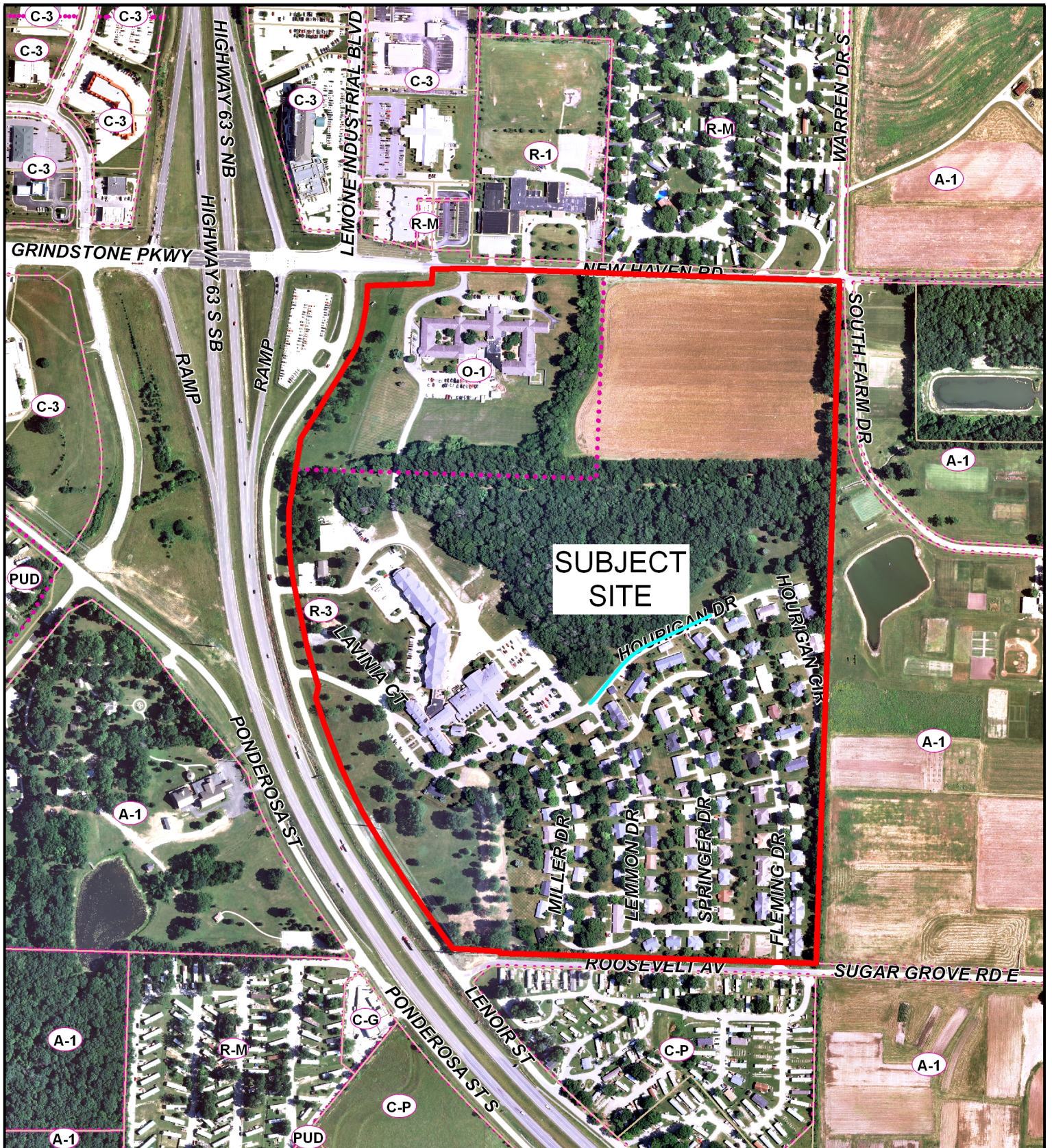
The applicant was asked if an alternative sidewalk location through the development would be a possibility. Staff was informed that such a solution was not possible based on the design of the proposed CCRC and the desire for a secured setting for its residents. Instead of providing the alternative sidewalk, the applicant has agreed to pay the cost of sidewalk installation (\$85,000) to the City. The applicant proposes paying 50% of this fee-in-lieu upon approval of the variance and the additional 50% at the start of the next phase of construction in either 2013 or 2014.

STAFF RECOMMENDATION

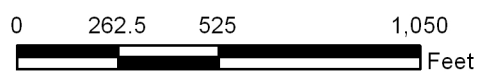
Staff recommends approval of the request to grant the sidewalk variance subject to the payment of a fee-in-lieu of installation equaling \$85,000 payable in two (2) installments the first due following Council approval of this request and the second to be made prior to the first building permit being issued for Phase 2 construction, anticipated in 2013 or 2014.

Report prepared by_____

Approved by_____

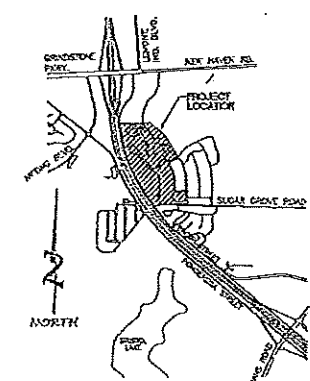


Lutheran Senior Services Case 12-136 Sidwalk Variance



1 inch represents 600 feet





LOCATION MAP
(NOT TO SCALE)

LEGEND-MARSHALL ENG UTILITIES

- SANITARY SEWER
- WATER LINE
- GAS LINE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE (AND/OR FIBER OPTIC LINE)
- FORCE MAIN
- GAS METER
- WATER VALVE
- CLEANOUT

LEGEND-ALLSTATE CONSULTANTS

- FISH PIPE (UNLESS NOTED OTHERWISE)
- △ RIGHT-OF-WAY MARKER
- R/W RIGHT-OF-WAY
- BENCHMARK
- STORM SEWER
- OVERHEAD TELEPHONE
- SANITARY SEWER
- WATER LINE
- GAS LINE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- OVERHEAD CABLE TV
- FENCE
- UNDERGROUND TELEPHONE (AND/OR FIBER OPTIC LINE)
- FLOWLINE
- REINFORCED CONCRETE PIPE
- POLYETHYLENE GLASS FIBER PIPE
- CORRUGATED METAL PIPE
- VIBRATED CLAY PIPE
- HIGH DENSITY POLYETHYLENE PIPE
- CONCRETE PIPE
- DECIDUOUS TREE
- BUSH
- ASPHALT
- SANITARY MANHOLE
- SANITARY PUMP STATION
- SANITARY CLEAN OUT
- WATER METER
- WATER VALVE
- REGULATION CONTROL VALVE
- FIRE HYDRANT
- POWER POLE
- BRACE POLE
- TELEPHONE POLE
- GUY WIRE ANCHOR
- LIGHT POLE
- GAS VALVE
- GAS METER
- ELECTRIC TRANSFORMER
- SIGN
- TELEPHONE PEDESTAL
- HANDICAPPED PARKING SPACE
- GROUND LIGHT
- ELECTRICAL BOX (FUNCTION-SERVICE)
- ELECTRICAL METER
- AIR CONDITIONING UNIT
- BOLLARD
- CONCRETE
- GRAVEL

UTILITY CONTACTS

- ELECTRIC**
BOONE ELECTRIC
MIKE COLEMAN
573-449-4181
- TELEPHONE**
CENTURY LINK
DAVID JONES
573-886-3507
- WATER**
COLUMBIA WATER & LIGHT
GARY LUTZ
573-674-7325
- UTILITY LOCATES**
MISSOURI ONE CALL
1-800-880-8176
(1-800-344-7483)

- CABLE TV**
MEDACOR
BOB BAKER
573-675-2192
- NATURAL GAS**
AMEREN
BRUCE DARR
573-676-3030

INDEX OF SHEETS

- COVER SHEET.....C-001
- DEMOLITION PLANS.....C-010 - C-014
- SITE PLAN.....C-101 - C-104
- LAND PRESERVATION PLAN.....C-105 - C-108
- GRADING PLAN.....C-107 - C-110
- ROAD PROFILES.....C-111
- STORM SEWER PROFILES.....C-112 - C-113
- WATER MAIN PLAN.....C-114
- DETAILS.....C-115 - C-118
- HYDROLOGIST DETAILS.....C-119

LOT 2 IMPERVIOUS AREA TABLE

	IMPERVIOUS AREA	TOTAL AREA OF LOT	% IMPERVIOUS
EXISTING	22.27 AC.	94.20 AC.	24.1%
PROPOSED	26.61 AC.	94.20 AC.	28.8%

SIDEWALK NOTE

SECTION 24-35 OF THE CITY OF COLUMBIA CODE OF ORDINANCES REQUIRES THE CONSTRUCTION OF SIDEWALK ALONG NEW HAVEN ROAD, LENOIR STREET AND ROOSEVELT AVENUE UNLESS A WAIVER IS OBTAINED FROM THE CITY COUNCIL. IT IS THE INTENT OF THIS PROJECT TO SEEK THIS WAIVER FROM THE CITY COUNCIL PRIOR TO THE CONSTRUCTION OF THE SKILLED NURSING BUILDING. HOWEVER, CONSTRUCTION AND OCCUPANCY OF THE ASSISTED LIVING (3801 MILLER DR.) AND INDEPENDENT LIVING (3750 MILLER DR.) WILL OCCUR DURING THIS PROCESS. IF THE WAIVER IS NOT APPROVED THE SIDEWALK WILL BE DESIGNED AND CONSTRUCTED WITH THE SKILLED NURSING BUILDING.

DEVELOPER/OWNER
LUTHERAN SENIOR SERVICES
C/O STEPHEN KENSTRA, PE
1150 HANLEY INDUSTRIAL COURT
ST. LOUIS, MO 63144
(314) 446-2332

LEGAL DESCRIPTION

LOT 2 OF LENOIR SUBDIVISION IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AS SHOWN BY THE PLAT RECORDED IN BOOK 21, PAGE 32, RECORDS OF BOONE COUNTY, MISSOURI, CONTAINING 92.40 ACRES

UTILITY NOTE

MISSOURI ONE CALL SYSTEM, INC. WAS REQUESTED TO LOCATE EXISTING UTILITIES (1-800-344-7483, SERIAL NO. 102222827, DATED AUGUST 10, 2010). UTILITIES ON THIS DISPLAY ARE A CORRELATION OF FIELD LOCATIONS AS MARKED BY UTILITY LOCATORS IN THE FIELD AND UTILITY OVERLAYS FROM THE SITE PLAN PROVIDED BY MARSHALL ENGINEERING DATED APRIL 27, 2010.

*NO WATERLINES OR FIBER OPTIC LINES WERE "MARKED" ON SITE, AND ONLY PORTIONS OF THE REMAINING UTILITIES WERE "MARKED".

(UTILITIES PHYSICALLY MARKED OR LOCATED BY THIS REQUEST ARE DEPICTED BY THE LINE-TYPES SHOWN IN THE "LEGEND-ALLSTATE CONSULTANTS". UTILITIES TAKEN FROM THE MARSHALL ENGINEERING SITE PLAN ARE DEPICTED BY THE LINE-TYPES SHOWN IN THE "LEGEND-MARSHALL ENG. UTILITIES".)

BENCHMARK

BO-15 (BOONE COUNTY MONUMENT #15; A STANDARD DNR-GRS ALUMINUM DISK STAMPED BO-15). THE STATION IS LOCATED ON THE WEST SIDE OF THE PONDEROSA ST., APPROXIMATELY 0.8 MILES SOUTH OF U.S. HWY 63 AND NEW HAVEN RD. INTERSECTION, AND 375'± SOUTHEAST OF THE ENTRANCE TO BLUE ACRES MOBILE HOME PARK.

ELEV.=799.87

SITE BENCHMARK-TBM #6

CHISELED SQUARE ON NORTHEAST CORNER OF HEADWALL ON EAST SIDE OF LENOIR STREET (U.S. HIGHWAY "63" OUTER ROAD) 460'± NORTH OF ROOSEVELT AVE.

ELEV.=788.29

FLOOD PLAN STATEMENT

THIS TRACT IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAN AS PER THE BOONE COUNTY FIRM MAP #2901920283D DATED: 3/17/2011

STREAM BUFFER STATEMENT

THIS TRACT WAS PLATTED PRIOR TO JANUARY 2, 2007 AND THEREFORE IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER ORDINANCE AS DESCRIBED BY ARTICLE X OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

GENERAL NOTES

- THERE ARE SEVERAL SUBSURFACE FEATURES AND UTILITIES THAT ARE UNTRACEABLE ON SITE.
- FIELD WORK WAS COMPLETED ON AUGUST 24, 2010.
- NO RECORD TITLE INFORMATION WAS PROVIDED FOR THIS DISPLAY.
- THIS PROPERTY IS ZONED R-3 IN THE CITY OF COLUMBIA.

PARKING CALCULATIONS (NOT INCLUDING PATIO HOMES)

REQUIRED PARKING
"ELDERLY AND HANDICAPPED HOUSING" @ 1 SPACE/UNIT
EXISTING MAPLEWOOD 84 UNITS @ 1 SPACE/UNIT=84 SPACES
PROPOSED INDEPENDENT LIVING FACILITY 80 UNITS @ 1 SPACE/UNIT=80 SPACES

"NURSING (OR CONVALESCENT) HOMES" @ 1 SPACE/4 BEDS +1 SPACE/EMPLOYEE
PROPOSED ASSISTED LIVING FACILITY 44 BEDS= 11 SPACES
PROPOSED SKILLED NURSING FACILITY=128 BEDS= 32 SPACES

ALF/SNF/HELLNESS/COMMUNITY EMPLOYEES=APPROX. 100 EMPLOYEE= 100 SPACES

TOTAL REQUIRED PARKING= 307 SPACES

MAPLEWOOD APARTMENTS

	STANDARD	ADA TOTAL
NORTH (LOWER)	15	2 17
MIDDLE	49	0 49
SOUTH (EXISTING)	18	2
SOUTH (NEW)	12	0 12
SUBTOTAL	94	4 98

WELLNESS/ADMIN	22	2 24
NORTH END	30	2 32
SOUTH END	52	4 56
SUBTOTAL	104	8 112

ALF	8	0 8
EAST	17	2 19
SOUTH	17	2 19
SUBTOTAL	34	4 38

COMMUNITY CENTER	44	2 46
COMMUNITY CENTER LOT	44	2 46
SUBTOTAL	88	4 92

ALF	42	2 44
ILF SOUTH LOT	22	0 22
ILF NORTH LOT	60	2 62
GARAGE	124	4 128
SUBTOTAL	228	8 236

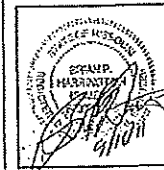
MISC	76	2 78
EMPLOYEE LOT	4	0 4
RVS	6	0 6
SERVICE VEHICLE	86	2 88
SUBTOTAL	172	4 176

TOTAL PROVIDED:	417	18 435
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LENOIR WOODS
LUTHERAN SENIOR SERVICES

LENOIR WOODS
SITE PLAN COVER SHEET
REVISED BID SET
COLUMBIA, MISSOURI

REVISED:
7-22-2011
8-25-2011
9-16-2011



ALLSTATE CONSULTANTS
SITE PLANNING, LANDSCAPE ARCHITECTURE, CIVIL ENGINEERING, SURVEYING, GEOTECHNICAL INVESTIGATION
DAVID JONES
573-886-3507

DATE
7/15/11

JOB NUMBER
10075.01

SHEET
C-001

Chapter 24 STREETS, SIDEWALKS AND PUBLIC PLACES*

Section 24-35 Sidewalks required.

(a) No permit shall be issued for the construction of a new building on property located on an arterial or collector street and zoned for a commercial, office or multi-family use unless a sidewalk exists adjacent to the property along the arterial or collector street or unless the plans for the building provide for the construction of such a sidewalk. The requirements of this section shall not apply to construction of accessory buildings.

(b) No certificate of occupancy shall be issued for any building described in subsection (a) if the building plans provide for construction of a sidewalk along an arterial or collector street unless the sidewalk has been constructed or the property owner has provided a bond, letter of credit or other instrument acceptable to the director of public works guaranteeing construction of the sidewalk within six (6) months of issuance of the certificate of occupancy.

(c) Upon application of the property owner, the city council shall waive the requirement of this section to provide plans for and construct a sidewalk if the council determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed or that there is a reasonable likelihood that the sidewalk would have to be removed and reconstructed in the near future. The granting of a waiver shall not affect the power of the city council to later install sidewalks adjacent to the property and levy special assessments against the property for construction of the sidewalks.

(d) In determining the need for the sidewalk and whether the impact of the proposed development justifies the requirement that the sidewalk be built, the City Council shall consider all relevant factors such as:

- (1) Pedestrian traffic generators such as parks and schools in the area,
- (2) the existence of a sidewalk network in the area,
- (3) the density of current and future development in the area,
- (4) the amount of pedestrian traffic likely to be generated by the proposed development,
- (5) the cost of constructing the sidewalk,
- (6) whether the terrain is such that a sidewalk is physically feasible, and
- (7) the extent to which trees, ground cover and natural areas would be impacted by the sidewalk.

(Ord. No. 17007, § 1, 9-4-01)

(Ord. 17007, Amended, 09/04/2001, Prior Text)

Introduced by Hindman Council Bill No. PR 48-06 A

A POLICY RESOLUTION

establishing a policy on requests for variances to subdivision regulation requirements for construction of sidewalks along unimproved streets.

WHEREAS, Chapter 25 of the City Code generally requires sidewalks to be constructed on both sides of all streets within a subdivision; and

WHEREAS, the City frequently receives requests for variances from these requirements when development occurs along unimproved streets which are not being constructed or reconstructed as part of the subdivision; and

WHEREAS, the City is committed to assuring safe pedestrian accommodations throughout the City while recognizing that there are occasions when standard sidewalks are not appropriate at the time of subdivision or development; and

WHEREAS, the City Council deems it necessary to adopt a policy statement to serve as a guide in reviewing and acting on requests for variances for sidewalks along unimproved streets in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council shall review each request for a sidewalk variance along an unimproved street in the context that there must be a reasonable relationship between the proposed activity of a landowner and the requirement that the landowner construct a sidewalk and in the context that the public safety and welfare make it desirable to encourage pedestrian movement by providing safe walkways and sidewalks away from traffic lanes of streets.

SECTION 2. The City Council shall grant the requested variance without conditions only if it determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed.

SECTION 3. In determining the need for a sidewalk variance and in determining whether the impact of the proposed development justifies the requirement that the sidewalk be constructed, the City Council shall consider but not be limited to the following factors:

- a. The cost of constructing the sidewalk relative to the cost of the proposed development;

- b. Whether the terrain is such that sidewalks or walkways are physically feasible;
- c. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;
- d. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.

SECTION 4. If the City Council finds that the proposed use of the land would justify the requirement that a sidewalk be constructed and that in the interest of public safety and welfare there is an immediate or near future need for a sidewalk or walkway at the location of the variance request, the City Council will approve the variance request only if an alternative walkway is provided or if the property owner pays the City for future construction of the sidewalk pursuant to Section 7 or if some other equitable arrangement for construction of a sidewalk or other pedestrian infrastructure improvement is made.

SECTION 5. Alternative walkways are defined as all weather pedestrian facilities constructed in accordance with plans and specifications approved by the Public Works Department. Alternative walkways may deviate in vertical and horizontal separation from the roadway in order to take advantage of natural contours and minimize the disturbance to trees and natural areas but must meet all requirements for handicap accessibility. Alternative walkways must be located on public easements but a walkway easement may be conditioned that if the walkways are no longer needed for a public purpose, the walkway easements will be vacated.

SECTION 6. When alternative walkways are permitted, plans, specifications and easements must be submitted prior to approval of the final plat abutting the unimproved street and construction must occur prior to the first certificate of occupancy within the platted area.

SECTION 7. If the City Council determines that the public safety and welfare would not be jeopardized, the Council may allow the property owner, in lieu of constructing an alternative walkway, to pay the City the equivalent cost of construction of a conventional sidewalk. The equivalent cost of construction of a conventional sidewalk shall be defined as the City's average cost of constructing portland cement concrete sidewalks by public bid during the two (2) calendar years prior to the year in which the variance request is submitted. Payment of the equivalent cost of a conventional sidewalk shall occur:

- a. Prior to approval of the first final plat when the variance is approved in connection with a preliminary plat;

- b. Prior to issuance of the first building permit when approved with a final plat or planned development where no variance request has been made with the preliminary plat; or
- c. Prior to issuance of the certificate of occupancy when variance requests are approved on individual lots where final plats have been approved without variance request.

Each payment made under this section shall be used to construct a sidewalk along the unimproved street adjacent to the property for which the payment was made. The sidewalk shall be constructed when the street is constructed to City standards.

SECTION 8. In all cases, when alternative walkways or payments under Section 7 are approved as fulfilling the subdivision requirements for construction of sidewalks, the action of Council shall be noted on a final plat of the properties affected. In cases where final plats have been previously approved, re-platting may be required.

SECTION 9. The grant of a variance to the subdivision regulations requirement for construction of a sidewalk shall not affect the power of the City Council to later install a sidewalk adjacent to the property and levy a special assessment against the property for construction of the sidewalk.

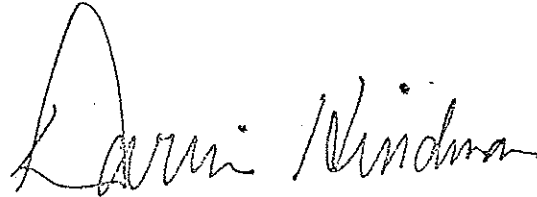
SECTION 10. This resolution replaces Policy Resolution 171-01A which is hereby repealed in its entirety.

ADOPTED this 20th day of march, 2006.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor



LUTHERAN SENIOR SERVICES

July 16, 2012

Mr. Tim Teddy, Director
City of Columbia Community Development Dept.
701 E. Broadway
Columbia, MO 65205

Re: Request for a variance to the Sidewalk Regulations
Section 24-35 of the Columbia Code of Ordinances
Lenoir Woods

Dear Mr. Teddy,

While preparing construction plans (see the attached construction plan cover sheet for a graphical description of the project) for the new Assisted Living Facility, Independent Living Facility, Administration and Wellness Center, and Skilled Nursing Facility at Lenoir Woods, it was discovered that Section 24-35 of the Columbia Code of Ordinances requires construction of a 5' wide sidewalk along arterial and collector streets with the construction of new buildings. After review of the requirements of the ordinance, it was determined that this would require Lenoir Woods to construct sidewalks along New Haven Road (minor arterial), Lenoir Street (major collector) and Roosevelt Avenue (neighborhood collector). The total length of required sidewalk is approximately 4,250 feet. Please consider this letter as a formal request for a variance to Section 24-35 of the Columbia Code of Ordinances requiring the construction of this sidewalk.

Providing safety and security is a prime factor for older adults moving into our continuing care retirement community. We feel adding a sidewalk around our perimeter would provide unnecessary risks to our older adults. This would be both from the perspective of older adults walking along high traffic areas and for the potential of confused residents accessing areas that they are not familiar with and are more commercial in nature.

Lenoir Woods is a continuing care retirement community providing care to over 400 residents within independent living patio homes and apartments, assisted living units, and memory care units and a skilled nursing facility. Over the past 60 years, Lenoir Woods has earned a reputation in the Columbia area for exceeding our residents' expectations when it comes to comfortable, fun, active and safe senior living. Our Christian Mission is "Older Adults Living Life to the Fullest." As the facility has aged over this time and the needs of older adults have changed, we have begun a new expansion and rejuvenation project that will enhance nearly every facet of life in our senior living community.

1150 Hanley Industrial Ct. • St. Louis, MO 63144
ph 314.968.9313 • fax 314.968.5590 • LSSLiving.org



Currently we have updated our community center and are getting ready to open our new and improved assisted living building. Additional phases will add more independent living apartments, and provide a new memory care and skilled nursing facility which will be connected to the amenities of the updated community center. We also will have numerous sidewalks and walking paths within our community for residents to safely use.

Section 24-35 (d) lists seven factors that should be considered by the City Council when considering a variance request for sidewalk construction. These seven items are as follows:

1. *Pedestrian traffic generators such as parks and schools in the area,*

The only park or school in the immediate area is New Haven Elementary School. New Haven School is located across New Haven Road from the Lenoir Woods Skilled Nursing Care Center. Because the existing Skilled Nursing Care Center (SNCC) is on a separate platted lot, Section 24-35 does not require a sidewalk at this time directly across the street from the school. Further, if the variance request is not granted, the required sidewalk on the south side of New Haven Road between the SNCC and South Farm Drive would not connect to any significant destinations for pedestrians originating from the school. The eastern termination of this roadway would be near the University's South Farm entrance. The next tract of land on the south side of New Haven Road that is not owned by either the University or the USGS is more than 1.5 miles away.

2. *the existence of a sidewalk network in the area,*

The only existing sidewalk in the area is a sidewalk at the northwest corner of LeMone Industrial Drive and New Haven Road. This sidewalk was constructed with the Courtyard Marriot Hotel and does not currently connect to any additional sidewalk network. This sidewalk is approximately 1000' from either of the sidewalks (New Haven Road or Lenoir Street frontages) that are required by Section 24-35.

3. *the density of current and future development in the area,*

The current development south of New Haven Road consists primarily of Lenoir Wood's existing facilities. Lenoir Woods does not currently have any plans for development of the area except for the development depicted on the approved site plans. The existing development north of New Haven Road consists of the industrial area along LeMone Industrial Blvd., New Haven Elementary School, and Woodstock Mobile Home Community. University of Missouri South Farms is located to the east of the area and it is primarily used for agriculture and agricultural research. To the south of the Lenoir Woods is Sunset Mobile Home Park. This tract has been rezoned to C-P, but there are no development plans filed on the property.

4. *the amount of pedestrian traffic likely to be generated by the proposed development,*

Lenoir Woods has strived to create a pedestrian friendly campus for its residents. The residents are encouraged to utilize the extensive internal sidewalk, trail and street network. Residents typically utilize this network with various modes of transportation including walking, wheel chairs, and golf carts. However, due to safety concerns, residents are not and will not be encouraged to use an external sidewalk network if it is created. Safe transportation is provided to those residents desiring to travel to the surrounding community. Therefore, the pedestrian traffic created by the development would likely be limited to employees and visitors. Due to the limited amount of residential development in the immediate area, this pedestrian generation is expected to be very minimal.

5. *the cost of constructing the sidewalk,*

The total sidewalk required sidewalk length is approximately 4250 linear feet. At the City of Columbia's standard bonding rate of \$4 per square foot, this equates to approximately \$85,000 for a standard 5' wide sidewalk. However, since the entire road frontages are along unimproved roads, additional costs would be incurred for grading and drainage as well as for a bridge or box culvert extension over Clear Creek.

6. *whether the terrain is such that a sidewalk is physically feasible, and*

Because the sidewalk would be constructed entirely along unimproved roadways, much of the terrain will require grading in order to meet ADA regulations and to facilitate drainage. Since there are not existing roadway plans for upgrading the roadways in the future, sidewalks would likely be designed to fit the existing ground as much as possible and not fit any future roadway profiles. This approach means that the sidewalks would likely have to be reconstructed with future roadway construction. Even with this approach, grading would be required to keep the sidewalk slopes to less than 5% as required by current ADA guidelines.

7. *the extent to which trees, ground cover and natural areas would be impacted by the sidewalk.*

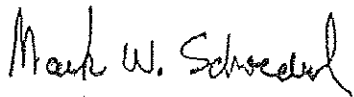
Impact to existing trees would be minor except the Clear Creek crossing. This crossing would require several trees to be removed for the sidewalk.

In summary, we believe that a variance to Section 24-35 of the City of Columbia's Code of Ordinances for Lot 2 of Lenoir Subdivision requiring construction of sidewalks along New Haven Road, Lenoir Street, and Roosevelt Avenue for the following reasons:

1. All three roadways are unimproved streets that will require significant grading to provide for adequate sidewalk slopes and drainage.
2. Lenoir Woods provides an internal pedestrian system for the use of its residents. For the safety reasons, Lenoir Woods does not and will not encourage residents to use a sidewalk system external to the property. In addition, due to the fact that there is very little residentially zoned land within walking distance of the property, Lenoir anticipates a very low demand for visitors or employees utilizing a perimeter sidewalk. Therefore, we do not believe the proposed building construction for Lenoir Woods will significantly add to the pedestrian demand for the required sidewalks.
3. The required sidewalks would not provide a connection to any other existing sidewalks.

As Lenoir Woods does not have any current plans for the north half of our community after we relocate the skilled nursing facility to the south side of the community, we would be willing to contribute \$25,000 toward the construction of a future sidewalk along New Haven, when and if the City of Columbia expands this arterial.

Thank you for your attention to this matter.



Mark W. Schoedel
Vice President of Construction and Technology

cc. Brian Harrington, Allstate Consultants
Kent Kirkwood, Executive Director of Lenoir Woods

Encl.